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NOTES OF CASES.

Entry of Coal Lands.—Defendants were charged with entering into a conspiracy to cause certain persons to make entries of coal lands in their own names, to be paid for by money furnished by a corporation in which defendants were interested and to which the lands were to be conveyed. The United States District Court of Colorado, in United States *v.* Keitel, 157 Federal Reporter, 396, concluded that "the acts charged did not make out a crime; that the entrymen were qualified as such. They obtained no more land than the acreage limited by the act, and they paid the price fixed by Congress." It was further held that the charge did not relate to matters within the jurisdiction of the Secretary of the Interior as that phrase is used in section 4746 of the Revised Statutes (U. S. Comp. St. 1901, p. 3279), providing punishment for the making or presentation of certain false and fraudulent affidavits, declarations, certificates, etc., pertaining to matters within the jurisdiction of the Secretary of the Interior.

Discharge of Servant Because of Membership in Labor Organization.—The United States Supreme Court, in Adair *v.* United States, 28 Supreme Court Reporter, 277, held the act of Congress forbidding employers to threaten employees with loss of employment, or to unjustly discriminate against any employee because of his membership in a labor organization, invalid, as it violated the fifth amendment of the federal Constitution, declaring that no person shall be deprived of liberty or property without due process of law. Such liberty was held to embrace the right to make contracts for the purchase and sale of labor, of which the act in question constituted an unlawful invasion.

Compelling Grant of Petition for Quo Warranto.—Relator in mandamus proceedings alleged that a certain person was exercising, without right, the office of treasurer of a corporation; that he had applied to the state's attorney and to the Attorney General for leave to institute quo warranto proceedings, but his request had been refused. The Supreme Court of Illinois decided (People *v.* Healy, 82 Northeastern Reporter, 599) that mandamus will lie to compel signature of a petition therefor, when the officer to whom application is made abuses the discretion intrusted to him in such matters.

Judicial Paternalism.—The trial judge had refused a new trial, saying that he thought that another jury might give even heavier damages. The New York Supreme Court, in Rogers *v.* Macbeth, 108 New York Supplement, 74, stamped the decision of the trial court as "paternalism foreign to judicial function," and said: "If the defendant chose to hazard another trial, it was not for the court to seek to save him from himself by withholding from him that which the court thought he was entitled to receive."